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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-873**

11 **JESSE SUMALDE GULTIA A.K.A.**
12 **JESUSITO SUMALDE GULTIA**
13 **2991 Crestmoor Drive**
San Bruno, CA 94066

ACCUSATION

14 **Registered Nurse No. 631276**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 20, 2004, the Board of Registered Nursing issued Registered
23 Nurse Number 631276 to Jesse Sumalde Gultia a.k.a. Jesusito Sumalde Gultia (Respondent). The
24 Registered Nurse was in full force and effect at all times relevant to the charges brought herein
25 and will expire on January 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ..."

11 6. Section 2762 of the Code states:

12 "In addition to other acts constituting unprofessional conduct within the meaning of this
13 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
14 chapter to do any of the following:

15 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
16 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
17 administer to another, any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
19 defined in Section 4022.

20 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 ..."

26 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
27 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
28 licensee or to render a decision imposing discipline on the license.

8. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

CAUSE FOR DISCIPLINE

(ILLEGAL POSSESSION/USE OF NARCOTICS)

12. Respondent is subject to disciplinary action under sections 2761 and 2762(a) and (b) in that he illegally possessed and/or used narcotics. The circumstances are as follows:

13. On or about April 10, 2010, at the Ramada Inn in San Bruno, California, Respondent was arrested by San Bruno Police after being found in a hotel room with 1.2 grams of methamphetamine and paraphernalia, and appearing to be under the influence of drugs.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse Number 631276, issued to Jesse Sumalde Gultia a.k.a. Jesusito Sumalde Gultia;

2. Ordering Jesse Sumalde Gultia a.k.a. Jesusito Sumalde Gultia to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/28/11 for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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